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REMARKS

Applicants appreciate the continued detailed examination evidenced by the Final Official Action mailed February 24, 2005 (hereinafter the Final Official Action). Applicants also appreciate the allowance of Claims 11 – 19. Applicants, however, respectfully maintain that the remaining Claims 1 – 10 and 20 – 35 are patentable over the cited reference for at least for the reasons described in Applicants previous responses as well as the reasons discussed herein.

In the interest of brevity, Applicants' comments herein focus on the section of the Final Official Action entitled "Response to Arguments". *Final Official Action, page 15*. However, in order to ensure that this submission is fully responsive to the Final Official Action, Applicants incorporate all previous responses herein by reference.

The Final Official Action states:

The applicant broadly claims "mutually exclusive of camping on the TDMA digital control channel" in the claims and did not further limit this definition in the specification. The applicant in the claim and the specification does not define "mutually exclusive" with respect to what. The examiner respectively disagrees with the applicant's argument that the reference, Hardin, does not disclose performing an operation which is mutually exclusive of camping on. *Final Official Action, page 15*.

In response, Applicants respectfully point out that the application does in-fact include a definition of the term "mutually exclusive":

As used herein, the term "mutually exclusive operation" includes operations which TDMA wireless terminals according to the present invention may not be able to perform at the same time. For example, for many TDMA wireless terminals camping is an operation that is mutually exclusive of playing an MP3 object. It will be understood that, as defined herein, operations may be mutually exclusive for a TDMA wireless terminal even though the terminal may be able to perform parts of the mutually exclusive operations at the same time. For example, some TDMA wireless terminal may be able to perform a setup portion of playing an MP3 object while camping on the TDMA DCCH. However, so long as the wireless terminal cannot complete both operations simultaneously, the operations are considered "mutually exclusive" as that term is used herein. *Application, page 6, lines 3 – 13*.

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As demonstrated by the above-cited passage of the application, the term "mutually exclusive" is properly defined and, moreover, the independent Claims recite that "an operation to be performed" is "mutually exclusive of camping." Therefore, the term "mutually exclusive" is defined and the claims recite that the requested operation is exclusive of "camping." In other words, contrary to statements in the Final Official Action, the term "mutually exclusive" is defined as being exclusive relative to "camping" as recited in the claims.

The Final Official Action goes on to state:

The reference Harding teaches that the mobile station receives a request to download the Intelligent Roaming Data Base (IRDB) from the OTAF (which is not a part of the mobile station) to download the IRDB data upon a predetermined time or upon a triggered event per col. 7 line 55-col. 8 line 12. The mobile station while intelligently roaming is constantly evaluating the IRDB data in order to determine which control channel to select for camping on per col. 7 line 55-col. 8 line 12 or per Fig 5. Receiving the request for the download is independent or mutually exclusive of the calculation that the device is performing to determine which control channel to select. Consequently, it is the examiner's interpretation the reference Hardin reads on the applicant broad claim limitation. *Final Official Action, page 15.*

In response, Applicants' respectfully note that the OTAF 16 appears to communicate with the mobile station (MS 12) through the BMI 15 (*i.e.*, the base station/mobile switching center). Therefore, the OTAF 16 appears to rely on the BMI 15 to communicate with the MS 12. Furthermore, the download request to the MS 12 is described as being in response to an event, such as the registration of the new MS 12 in the System 10. In particular, the download request from the OTAF 16 includes a set of data that MS 12 replaces in the database or otherwise uses to set its Intelligent Roaming (IR) characteristics.

As understood by Applicants, the OTAF, therefore, communicates with the MS 12 after the MS 12 has registered with the system (and therefore camping on a digital control channel). In other words, it is not clear how the data is downloaded from the OTAF 16 to the MS 12 unless the MS 12 is camping on a digital control channel. Therefore, as understood by Applicants, the download of the set of data is not mutually exclusive of camping as the MS 12 appears to be camping when the

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download occurs.

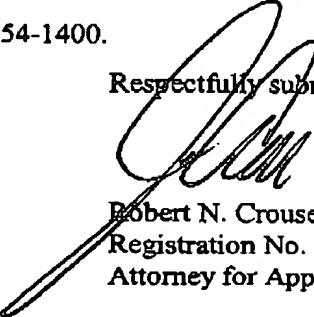
Furthermore, the independent claims also include other recitations which are not disclosed by Hardin. For example, the independent claims have been amended to recite in-part:

camping on a TDMA digital control channel...
receiving a request for an (mutual exclusive operation)...
suspending camping on the TDMA digital control
channel...
using the stored TDMA digital control channel information
to acquire service for the wireless terminal.

Respectfully, Hardin does not disclose camping on a TDMA control channel, receiving a request for an operation, suspending camping on a TDMA control channel, and then using the stored TDMA control channel to re-acquire service for the wireless terminal. In other words, there is no disclosure in Hardin of camping, and then suspending camping after receiving requests and then using the stored TDMA control channel information to require the service that was suspended.

Applicant respectfully maintains that all claims are patentable over the cited references for at least the reasons discussed herein. Accordingly, Applicants respectfully request the withdrawal of all rejections and the allowance of all claims in due course. If any informal matters arise, the Examiner is encouraged to contact the undersigned by telephone at (919) 854-1400.

Respectfully submitted,


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I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office via facsimile number 703-872-9306, on April 25, 2005.


Audra Wooten
Date of Signature: April 25, 2005